



Elementary Secondary Education Committee

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09500HB0038ham001

LRB095 03731 RAS 26837 a

1 AMENDMENT TO HOUSE BILL 38

2 AMENDMENT NO. _____. Amend House Bill 38 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 10-22.6 as follows:

6 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

7 Sec. 10-22.6. Suspension or expulsion of pupils; school
8 searches.

9 (a) To expel pupils guilty of gross disobedience or
10 misconduct, including gross disobedience or misconduct
11 perpetuated by electronic means, and no action shall lie
12 against them for such expulsion. Expulsion shall take place
13 only after the parents have been requested to appear at a
14 meeting of the board, or with a hearing officer appointed by
15 it, to discuss their child's behavior. Such request shall be
16 made by registered or certified mail and shall state the time,

1 place and purpose of the meeting. The board, or a hearing
2 officer appointed by it, at such meeting shall state the
3 reasons for dismissal and the date on which the expulsion is to
4 become effective. If a hearing officer is appointed by the
5 board he shall report to the board a written summary of the
6 evidence heard at the meeting and the board may take such
7 action thereon as it finds appropriate.

8 (b) To suspend or by regulation to authorize the
9 superintendent of the district or the principal, assistant
10 principal, or dean of students of any school to suspend pupils
11 guilty of gross disobedience or misconduct, or to suspend
12 pupils guilty of gross disobedience or misconduct on the school
13 bus from riding the school bus, and no action shall lie against
14 them for such suspension. The board may by regulation authorize
15 the superintendent of the district or the principal, assistant
16 principal, or dean of students of any school to suspend pupils
17 guilty of such acts for a period not to exceed 10 school days.
18 If a pupil is suspended due to gross disobedience or misconduct
19 on a school bus, the board may suspend the pupil in excess of
20 10 school days for safety reasons. Any suspension shall be
21 reported immediately to the parents or guardian of such pupil
22 along with a full statement of the reasons for such suspension
23 and a notice of their right to a review, a copy of which shall
24 be given to the school board. Upon request of the parents or
25 guardian the school board or a hearing officer appointed by it
26 shall review such action of the superintendent or principal,

1 assistant principal, or dean of students. At such review the
2 parents or guardian of the pupil may appear and discuss the
3 suspension with the board or its hearing officer. If a hearing
4 officer is appointed by the board he shall report to the board
5 a written summary of the evidence heard at the meeting. After
6 its hearing or upon receipt of the written report of its
7 hearing officer, the board may take such action as it finds
8 appropriate.

9 (c) The Department of Human Services shall be invited to
10 send a representative to consult with the board at such meeting
11 whenever there is evidence that mental illness may be the cause
12 for expulsion or suspension.

13 (d) The board may expel a student for a definite period of
14 time not to exceed 2 calendar years, as determined on a case by
15 case basis. A student who is determined to have brought a
16 weapon to school, any school-sponsored activity or event, or
17 any activity or event which bears a reasonable relationship to
18 school shall be expelled for a period of not less than one
19 year, except that the expulsion period may be modified by the
20 superintendent, and the superintendent's determination may be
21 modified by the board on a case by case basis. For the purpose
22 of this Section, the term "weapon" means (1) possession, use,
23 control, or transfer of any gun, rifle, shotgun, weapon as
24 defined by Section 921 of Title 18, United States Code, firearm
25 as defined in Section 1.1 of the Firearm Owners Identification
26 Act, or use of a weapon as defined in Section 24-1 of the

1 Criminal Code, (2) any other object if used or attempted to be
2 used to cause bodily harm, including but not limited to,
3 knives, brass knuckles, or billy clubs, or (3) "look alike" of
4 any weapon as defined in this Section. Expulsion or suspension
5 shall be construed in a manner consistent with the Federal
6 Individuals with Disabilities Education Act. A student who is
7 subject to suspension or expulsion as provided in this Section
8 may be eligible for a transfer to an alternative school program
9 in accordance with Article 13A of the School Code. The
10 provisions of this subsection (d) apply in all school
11 districts, including special charter districts and districts
12 organized under Article 34.

13 (d-5) The board may suspend or by regulation authorize the
14 superintendent of the district or the principal, assistant
15 principal, or dean of students of any school to suspend a
16 student for a period not to exceed 10 school days or may expel
17 a student for a definite period of time not to exceed 2
18 calendar years, as determined on a case by case basis, if (i)
19 that student has been determined to have made an explicit
20 threat on an Internet web site against a school employee, a
21 student, or any school-related personnel, (ii) the Internet web
22 site through which the threat was made is a site that was
23 accessible within the school at the time the threat was made or
24 was available to third parties who worked or studied within the
25 school grounds at the time the threat was made, or (iii) the
26 threat could be reasonably interpreted as bearing a reasonable

1 relationship to the safety and security of the threatened
2 individual because of his or her duties or employment status or
3 status as a student inside the school. The provisions of this
4 subsection (d-5) apply in all school districts, including
5 special charter districts and districts organized under
6 Article 34.

7 (e) To maintain order and security in the schools, school
8 authorities may inspect and search places and areas such as
9 lockers, desks, parking lots, and other school property and
10 equipment owned or controlled by the school, as well as
11 personal effects left in those places and areas by students,
12 without notice to or the consent of the student, and without a
13 search warrant. As a matter of public policy, the General
14 Assembly finds that students have no reasonable expectation of
15 privacy in these places and areas or in their personal effects
16 left in these places and areas. School authorities may request
17 the assistance of law enforcement officials for the purpose of
18 conducting inspections and searches of lockers, desks, parking
19 lots, and other school property and equipment owned or
20 controlled by the school for illegal drugs, weapons, or other
21 illegal or dangerous substances or materials, including
22 searches conducted through the use of specially trained dogs.
23 If a search conducted in accordance with this Section produces
24 evidence that the student has violated or is violating either
25 the law, local ordinance, or the school's policies or rules,
26 such evidence may be seized by school authorities, and

1 disciplinary action may be taken. School authorities may also
2 turn over such evidence to law enforcement authorities. The
3 provisions of this subsection (e) apply in all school
4 districts, including special charter districts and districts
5 organized under Article 34.

6 (f) Suspension or expulsion may include suspension or
7 expulsion from school and all school activities and a
8 prohibition from being present on school grounds.

9 (g) A school district may adopt a policy providing that if
10 a student is suspended or expelled for any reason from any
11 public or private school in this or any other state, the
12 student must complete the entire term of the suspension or
13 expulsion before being admitted into the school district. This
14 policy may allow placement of the student in an alternative
15 school program established under Article 13A of this Code, if
16 available, for the remainder of the suspension or expulsion.
17 This subsection (g) applies to all school districts, including
18 special charter districts and districts organized under
19 Article 34 of this Code.

20 (Source: P.A. 92-64, eff. 7-12-01.)".